



## RAVALLI COUNTY ATTORNEY

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TO: COMMISSIONERS ✓

CC: Road Department

FROM: Alex Beal, Deputy

DATE: February 26, 2007

RE: Sign Ordinance and the former County Land Services  
Department

RECEIVED

FEB 26 2007

Ravalli County Commissioners

Dear Commissioners:

You have asked me to look into whether the County sign ordinance needs to be amended since the County Land Services Department no longer exists under that name. I am afraid I have to give you one of those lawyerly, two part "it depends" answers to this question.

In terms of bare compliance, I think the 2003 motion to transfer enforcement to the Road Department was sufficient. In terms of the pending codification project, it could present some potential issues in terms of enforcement. That said, I think that it is something that does not need to be addressed today. If the codification project reaches the point where it is near completion, a few resolutions to "clean things up" involving any number of county ordinances might be a good idea. In the meantime, any confusion that the sign ordinance might have relates to enforcement, not to the rules. In other words, someone might have a viable legal defense to the ordinance if they could not understand what conduct it allowed or prevented. There is not any harm if an unexpected department's letterhead arrives to tell them they are in violation. In short, it is fine for now.

I would advise the road department, if they are sending out copies of the ordinance with letters telling people they are in violation, that they include a copy of the motion transferring enforcement to them.

Alex Beal